



# News Release

U.S. Department of Labor  
Office of Public Affairs  
Washington, D.C.  
Release Number 06-558-ATL

For Immediate Release  
Date: April 13, 2006  
Contact: Dirk Fillpot Amy Louviere  
Phone: (202) 693-4676 (202) 693-9423

## **MSHA Fines Mississippi Operator \$127,000 After Fatal Accident**

**WASHINGTON** – The U.S. Department of Labor’s Mine Safety and Health Administration (MSHA) today announced a proposed fine of \$127,000 against Oddee Smith and Sons Inc., which runs a sand and gravel operation in Lincoln County, Miss., where a miner was killed in an accident June 29, 2005.

“The safety and health of miners must be protected every day. The failure of any mine operator to provide safe working conditions carries a high risk for their miners and will not be tolerated,” said David G. Dye, MSHA’s acting administrator. “MSHA will assess strong penalties, as in this case, when a miner suffered fatal injuries because the operator failed to provide safe working conditions.”

An equipment operator at the Macedonia Pit Mine in Lincoln County was fatally injured when the pan scraper he was operating overturned, pinning him under the cab. An MSHA investigation found that three of the four brakes on the pan scraper, which can be used to create roadways, had been intentionally disabled and its continued operation permitted with management’s knowledge.

The fines MSHA has assessed for safety violations contributing to this accident are as follows:

- failure to maintain the pan scraper’s brakes in functional condition (30 CFR 56.14101(a)(3)), \$52,500;
- continued use of the scraper with inadequate brakes (30 CFR 56.14100(c), \$52,500, and
- failure to provide a berm or impeding device on the elevated edge of the stockpile (30 CFR 56.9301), \$22,000.

MSHA found that the first two violations resulted from the operator’s reckless disregard, and the third resulted from the operator’s high negligence. Reckless disregard is the highest level of negligence MSHA can cite.

MSHA can assess fines ranging from \$60 to \$60,000 per violation depending on the nature of the violation, level of negligence, and several legal factors. Oddee Smith and Sons has 30 days to appeal the fines.

For more information about MSHA, please visit [www.msha.gov](http://www.msha.gov).

###

---

U.S. Labor Department (DOL) releases are accessible on the Internet at [www.dol.gov](http://www.dol.gov). The information in this news release will be made available in alternate format upon request (large print, Braille, audio tape or disc) from the COAST office. Please specify which news release when placing your request. Call (202) 693-7765 or TTY (202) 693-7755. DOL is committed to providing America’s employers and employees with easy access to understandable information on how to comply with its laws and regulations. For more information, please visit [www.dol.gov/compliance](http://www.dol.gov/compliance).